



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,346	06/07/2001	Tadashi Ichida	57139-5052	9056

24574 7590 03/04/2005

JEFFER, MANGELS, BUTLER & MARMARO, LLP  
1900 AVENUE OF THE STARS, 7TH FLOOR  
LOS ANGELES, CA 90067

EXAMINER

VAN PELT, BRADLEY J

ART UNIT PAPER NUMBER

3682

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/876,346

**Applicant(s)**

ICHIDA ET AL.

**Examiner**

Bradley J Van Pelt

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The after final amendment filed January 31, 2005 has been entered and the finality of the previous office action mailed November 1, 2004 has been withdrawn.

#### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the reference numerals are hand written. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

3. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

4. Claim 2 is objected to because of the following informalities: in line 2, "the a handlebar" should be changed to --a handlebar--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3682

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano (USPN 5,325,735) in view of Wendler (USPN 5,890,979).

Nagano disclose a bracket 15 attachable to the handlebar 11; a pivot shaft "X" spaced from the handlebar; a rotating member 18 rotatable in a first direction and second direction about the pivot shaft; a control lever 4 operatively connected with the rotating member, wherein the lever is biased in a neutral position (via spring 21, see column 3, lines 60-65) and moveable in a first and second direction, and wherein the neutral position is between the first and second directions (see Fig. 6); a push mechanism 6 configured to cooperate with and rotate the rotating member in the first direction; a return mechanism 8, 9, 20 configured to cooperate with and rotate the rotating member in the second direction; .

A first and second latch segment 18a, a push and return pawl 6, 8, 9 and a first and second claw (teeth of 8 and 9);

Spur gear 3a, a crown gear 13a.

Nagano does not disclose a master piston, an adjusting piston extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber for the adjusting piston, a slave cylinder.

Wendler discloses a master piston 2 an adjusting piston 15 extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber 14 for the adjusting piston, a slave cylinder 4.

To modify the apparatus of Nagano so as to provide a master-slave cylinder assembly instead of a Bowden cable assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Wendler that such an arrangement

Art Unit: 3682

improves the life of the shifting device, because a master-slave cylinder device is more durable with respect to dirt, moisture, and does not kink when the sleeve is bent (see column 1, lines 10-40).

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Wendler as applied to claims 2 and 5 above, and further in view of Kund (USPN 5,178,033).

The above reference combination discloses all of the instant invention except a rack and pinion combination.

Kund shows a rack and pinion assembly (Fig. 7).

To modify the above reference combination so as to provide a rack and pinion assembly instead of a spur gear-crown gear assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kund that such an arrangement improves the precision of the device.

8. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Wendler and Kund.

Nagano discloses a bracket 15 attachable to the handlebar 11; a pivot shaft "X" spaced from the handlebar; a rotating member 18 rotatable in a first direction and second direction about the pivot shaft; a control lever 4 operatively connected with the rotating member, wherein the lever is biased in a neutral position (via spring 21, see column 3, lines 60-65) and moveable in a first and second direction, and wherein the neutral position is between the first and second directions (see Fig. 6); a push mechanism 6 configured to cooperate with and rotate the rotating

Art Unit: 3682

member in the first direction; a return mechanism 8, 9, 20 configured to cooperate with and rotate the rotating member in the second direction; .

A first and second latch segment 18a, a push and return pawl 6, 8, 9 and a first and second claw (teeth of 8 and 9);

Spur gear 3a, a crown gear 13a.

Nagano does not disclose a master piston, an adjusting piston extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber for the adjusting piston, a slave cylinder, a conduit conveying a fluid between the master cylinder assembly and the slave cylinder assembly, the adjuster piston threadingly engaged with the master cylinder; a rack and pinion combination.

Wendler discloses a master piston 2 an adjusting piston 15 extending into the master cylinder assembly, the master cylinder assembly comprises a main chamber 14 for the adjusting piston, a slave cylinder 4, a conduit conveying a fluid between the master cylinder assembly and the slave cylinder assembly, the adjuster piston threadingly engaged with the master cylinder.

Kund shows a rack and pinion assembly (Fig. 7).

To modify the apparatus of Nagano so as to provide a master-slave cylinder assembly instead of a Bowden cable assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Wendler that such an arrangement improves the life of the shifting device, because a master-slave cylinder device is more durable with respect to dirt, moisture, and does not kink when the sleeve is bent (see column 1, lines 10-40).

Art Unit: 3682

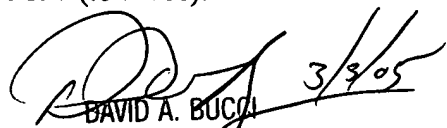
To modify the apparatus of Nagano so as to provide a rack and pinion assembly instead of a spur gear-crown gear assembly would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Kund that such an arrangement improves the precision of the device.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 

  
DAVID A. BUCCI 3/9/05  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600